

TITLE 6
CHAPTER 4

ABANDONED PROPERTY, DISPOSITION

SECTION:

- 6-4-1: Definitions
- 6-4-2: Application of Provisions
- 6-4-3: Owner Determined
- 6-4-4: Storage
- 6-4-5: Notice of Sale
- 6-4-6: Sale Procedure
- 6-4-7: Certificate of Sale
- 6-4-8: Sale and Conveyance
- 6-4-9: Other Disposition of Property
- 6-4-10: Disposal of Firearms

6-4-1: DEFINITIONS: As used in this Chapter, unless the context requires otherwise:

ABANDONED	Left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the City for a period of forty eight (48) hours or longer.
CHIEF OF POLICE	Includes any authorized law enforcement officer of the City.
CITY	The City of Florence, Oregon.
COSTS	The expense of removing, storing or selling in impounded vehicle.
MOTOR VEHICLE	Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
OWNER	Any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.

6-4-2: APPLICATION OF PROVISIONS: This Chapter shall apply to all abandoned vehicles and other property now in the possession of the City as well as to all such vehicles and property as may hereafter be impounded.

6-4-3: OWNER DETERMINED: The Police Department, on finding personal property, or coming into possession of the same, shall make diligent inquiry of all persons as to the name and address of the owner, conditional vendor or mortgagee or any person interested therein and shall examine the motor vehicle or other personal property for a license number, motor number, serial number, make and style, and any other information on the motor vehicle, animal or personal property which will aid in the identification of the owner, conditional vendor, mortgagee or other interested person.

6-4-4: STORAGE It shall be the duty of the Police Department, whenever a motor vehicle, animal, other than a dog, or other personal property shall be found abandoned on the streets or found without an owner claiming the same, or shall, by reason of arrest, confiscation or in any other manner, come into the hands of the Police Department without a claimant, to either place the same on the City Hall grounds for further disposition or store the same with some reputable motor vehicle storage yard, garage, pound or other storage place pending investigation of ownership.

6-4-5: NOTICE OF SALE:

- A. If the owner or conditional vendor of property referred to in this Chapter or mortgagee or other person interested therein is found and identified, he shall be immediately notified by registered letter that the personal property is held by the Police Department and will be sold at public auction at the City Hall grounds, the place of storage, or any other designated location within the City on a certain day at ten

o'clock (10:00)A.M. to the highest bidder for cash, which sale shall not be held until 10 days have elapsed from the receipt by the owner of the registered notice.

- B. If, after thirty (30) days from the day the personal property shall come into the possession of the Police Department, the owner, conditional vendor, mortgagee or other interested person cannot be found after due diligence as herein set out, then the Chief of Police shall cause to be published in a newspaper printed and published in the County, a notice embodying the information set out in subsection C herein, which shall be published twice, the first publication of which shall be made more than ten (10) days before the proposed sale.
- C. If the owner, conditional vendor, mortgagee or other person interested shall apply to the Chief of Police for the return of the property before a sale has taken place, and shall submit to the Chief of Police satisfactory evidence of his interest and shall pay the costs in the seizing and holding of the motor vehicle or personal property, the Chief of Police, being satisfied with the claim, shall surrender the same to the claimant.

6-4-6: SALE PROCEDURE:

- A. Except for the disposition of all firearms seized or confiscated by the Police Department, if no claim has been made before the time set for the sale of the personal property, the Chief of Police may, at the time appointed, within view of the property to be sold, offer the property for sale to the highest bidder for cash. In default of bids from others, the Chief of Police may dispose of the property in his discretion without the necessity of taking further bids. The Chief of Police may, at his discretion, use and Internet based "on line" auction site approved by the Chief of Police to dispose of unclaimed property. The property will be received and displayed by the auction site for public view. Receipts for the property released to the auction site will be maintained and adjusted as property is sold, or returned to the city. (amended by Ord. No. 8, Series 2007)
- B. On the consummation of a sale, the Chief of Police shall make, execute and deliver on behalf of the City a bill of sale signed by himself as Chief of Police, conveying the property in question to the purchaser, and delivering possession of the property to the purchaser.
- C. The sale and conveyance shall be without redemption. The proceeds of the sale shall be first applied upon storage, towing bills, publication fees and other costs of the keeping and sale, and the balance shall go to the General Fund of the City. No claims for storage and towing shall exceed the proceeds from the sale of personal property.
- D. The owner or operator of a place in which personal property has been stored by the Police Department shall not release a vehicle, animal or property without first having obtained a written release from the Police Department.

6-4-7: CERTIFICATE OF SALE:

- A. At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale, in duplicate, the original of which shall be delivered to the purchaser, and the copy thereof filed with the City Recorder.
- B. The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No. 532 entitled "An Ordinance for the Impounding and Disposition of Abandoned Vehicles, Establishing Definitions of Ordinance, Terms Empowering the Police Department to Investigate Abandoned Vehicles and Give Notice of Intended Removal, Establishing Procedures for Determination of Ownership, Notification of Owner of Impending Disposal and Method of Redemption by Owner, Establishing the Procedure for Subsequent Sale of the Vehicle, the Method of Passing Title thereto and the Application of Proceeds from the Sale" and pursuant to due notice of the time and place of sale, I did on the ____ day of _____, 19____, sell at public auction to _____ for the sum of \$_____ cash, he being the highest and best bidder, and that being the highest and best sum bid therefore, the following described personal property, to wit: (brief description of the property)

And in consideration of the payment of the said sum of \$____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this _____ day of _____, 19____.

Note: The City of Florence assumes no responsibility as to the condition of title of the above-described property. In case this sale shall for any reason be invalid, the liability of the City is limited to the return of the purchase price.

6-4-8: SALE AND CONVEYANCE: Upon such sale being consummated, the Chief of Police shall deliver the vehicle or other property and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption.

6-4-9: OTHER DISPOSITION OF PROPERTY: In the case of perishable goods and animals, other than dogs, if the owner cannot be ascertained and public sale is impracticable because of potential spoilage, insufficient and nonexistent sale value, or similar reasons, the Chief of Police may turn over the goods or animal to a governmental or charitable institution for humane and appropriate distribution. (Ord. 532,2-12-73)

6-4-10: DISPOSAL OF FIREARMS:

- A. For purposes of this section, firearm shall mean a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.
- B. If the Chief of Police has made such effort as required by this Chapter to locate the owner of any firearm which has come into the possession of the Police Department by force of law, or has determined that the owner of such a firearm is not entitled to claim possession of the firearm, the Chief of Police shall make inquiry with the Lane County District Attorney and any court of record wherein the firearm may have been or might be used as evidence to determine if preservation of the firearm is necessary or proper to the ends of justice. Upon receiving notice that preservation of the firearm is no longer necessary, the Chief of Police may proceed to dispose of the firearm by the method established in this Section.
- C. If the Chief of Police determines that the firearm cannot be legally sold or possessed in the State of Oregon, or if the firearm has remained unsold for more than one year from the time the first notice of its sale was made, the Chief of Police shall order the firearm destroyed.
- D. At least once in any year in which the Police Department has in its possession firearms stored for sale, the Chief of Police shall provide notice of an offering of any firearm which the Chief of Police shall have determined will be available for sale. At any time after the date specified in the notice, the Chief of Police may sell the firearm or firearms described in the notice to any person who has provided the Chief of Police with evidence of possession of a valid license to deal in firearms by making retail sales.
- E. The Chief of Police may sell a firearm on any of the following terms:
 - 1. For a fixed amount which the Chief of Police has determined represents the approximate wholesale value of the firearm; or
 - 2. On a sale or return basis for an amount to be determined as a percentage of a subsequent sale of the firearm. In the event that a purchaser is unable to resell the firearm within a term specified in the agreement and not to exceed a year from the time of the original notice of the availability of the firearm for sale, the purchaser shall be required to return the firearm to the Chief of Police or to pay the amount described in subsection 1 of this section.
- F. No person shall be issued a certificate of sale or allowed to take possession of a firearm sold by the City of Florence without signing a waiver of warranty and hold harmless agreement provided by the City. (Ord No. 11, Series 1989).

Ord No. 11, Series 1989

Ord. No. 8, Series 2007 – Section 6-4-6 effective March 2, 2007